IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12005 of 2004

Between:

A. Thirumal Reddy, S/o. A. Narayana Reddy,
6/445-2, Sankarapuram, Cuddapah.

..... PETITIONER

AND

1 The Commissioner, Provident Fund Office, South Zone,
Barkatpura, Hyderabad.
2 The Asst. Provident Fund Commissioner, Sub-Regional Office,
E.P.F. Organisation, Cuddapah.
3 The Enforcement Officer, E.P.F. Office, Cuddapah.
4 Sri Venkateswara Education Society, rep by its Secretary

and Correspondent, S. Goverdhan Reddy, S.B.R.T.M. Law

College, 5-152, 5/153, Ravindranagar, Cuddapah - 516 003.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction, declaring the action of the respondents in not taking steps for collecting entire amount from the 4th respondent pursuant to the Proceedings No. AP/CP/20863/Enf.III/SRO/CDP/2001/731, dated 20-2-2001 issued by the 2nd respondent as illegal, arbitrary and contrary to the provisions of Employees' Provident funds and Misc. Provisions Act, 1952 and consequently direct the respondents 1 to 3 to pay the E.P.F. amount liable to be paid to the Writ Petitioner as per the provisions of the Act.

Counsel for the Petitioner: MR.N.SUBBA RAO

Counsel for the Respondent Nos.1 to 3: MR.R.N.REDDY
Counsel for the Respondent No.4: None appeared

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12005 OF 2004

ORDER:

The petitioner worked as a Librarian in the 4th respondent-College. The contention of the petitioner is that the 4th respondent deducted amount from his salary towards contribution for the Employees Provident Fund, and subsequently, he left the service of the 4th respondent on 29-06-2003.

2. The grievance of the petitioner is that subsequently when he made several representations regarding payment of the Employees Provident Fund, the 4th respondent-Management was procrastinating the matter without settling the said amount. Therefore, he approached this Court seeking a Writ of Mandamus declaring that the action of the respondents in not taking steps for collecting the entire amount of EPF from the 4th respondent pursuant to the proceedings dated 20-02-2001 issued by the 2nd respondent, as illegal, arbitrary and contrary to the provisions of the Employees Provident Fund Act.

3. The respondents 1 to 3 filed a counter resisting the claim by contending that the respondents have settled the claim of the petitioner to the extent of the amounts available and a cheque for Rs.58,454/- dated 20/07/2004 was sent to the petitioner. The learned counsel for the respondents 1 to 3 represented that if there is any further claim to the petitioner, he may produce the necessary documents regarding his claim and after hearing the petitioner as well as the 4th respondent, the balance amount, if any, payable to the petitioner, would be settled and directed to be paid.

4. In view of the representation made by the learned counsel for the respondents 1 to 3, the writ petition is disposed of directing the petitioner to make a representation to the second respondent regarding the balance amount, if any, payable to him under the Employees Provident Fund, and on making

such application, the second respondent shall verify the records of the 4th respondent and after hearing both parties, pass appropriate orders regarding the amount, if any, payable to the petitioner and direct the 4th respondent to pay the said amount at the earliest.

5. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

09th September, 2004

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TO

1 The Commissioner, Provident Fund Office, South Zone, Barkatpura, Hyderabad.
2 The Asst. Provident Fund Commissioner, Sub-Regional Office, E.P.F. Organisation, Cuddapah.
3 The Enforcement Officer, E.P.F. Office, Cuddapah.
4 Two C.D. Copies.